

Message Text

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PAGE 01 STATE 196968

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DRAFTED BY L/M:KEMALMBORG:PW
APPROVED BY ARA/CEN:DLAZAR
ARA/CEN:DLAZAR
SEC:MR. JACOBS(SUBSTANCE)
MA

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FM SECSTATE WASHDC
TO AMEMBASSY SAN JOSE IMMEDIATE

C O N F I D E N T I A L STATE 196968

E.O. 11652: GDS

TAGS: PGOV, EFIN, CS

SUBJECT: SEC ACTION AGAINST MCALPIN

REFERENCE: STATE 192370

1. MR. JACOBS OF NEW YORK OFFICE OF SEC HAS DISCUSSED WITH CASTILLO WHETHER THERE IS ANY PROBLEM UNDER COSTA RICAN LAW IN SERVING SUMMONS AND COMPLAINT THERE ON DEFENDANTS IN SUBJECT ACTION. SUBPOENA MAY ALSO BE SERVED. CASTILLO SAYS NOT IF COSTA RICAN NOTARY IS USED. JACOBS HAS ASKED FOR ASSISTANCE IN RETAINING, DISCREET, COMPETENT NOTARY.

2. TAKING ADVANTAGE OF CASTILLO'S PRESENCE IN NEW YORK, JACOBS OF NEW YORK SEC OFFICE DISCUSSED THE MATTER OF SERVING SUMMONS IN COSTA RICA. CASTILLO ADVISED THAT NOTHING IN COSTA RICAN LAW PROHIBITS SERVICE BY COSTA RICAN NOTARY. JACOBS THEREFORE ASKED THAT EMBASSY SECURE SERVICES OF DISCREET COMPETENT ATTORNEY-NOTARY ON BEHALF OF SEC. SEC WASHINGTON CONCURS. JACOBS ALSO ASKED THAT SOMEONE IN CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 196968

EMBASSY BE DESIGNATED TO BE CONTACT POINT BETWEEN SEC AND

NOTARY. WE CONCUR IN BOTH REQUESTS.

3. ATTORNEY SHOULD BE RETAINED AS AGENT OF SEC. SEC BILLING DATA IS BOAC 503000, AND SEC AUTHORIZES PAYMENT OF REASONABLE FEES. ARRANGEMENTS MADE FOR SUMMONS AND COMPLAINT AND SUBPOENA FOR MCALPIN TO BE SENT ARA/CEN MONDAY (SEPTEMBER 9) FOR POUCHING TO EMBASSY.

4. JACOBS HAS BEEN ALERTED TO LACK OF SECURE TELEPHONE COMMUNICATION TO COSTA RICA, AND WE WILL RELAY INSTRUCTIONS BY TELEGRAM TO EMBASSY.

5. PLEASE ADVISE NAME AND BACKGROUND OF NOTARY RETAINED BY EMBASSY FOR THIS PURPOSE AND NAME OF EMBASSY OFFICER CONTACT. KISSINGER

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